

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:18-CV-00345-KDB-DCK**

TRUE HOMES LLC,

Plaintiff,

v.

**CMH MANUFACTURING, INC.,
ET AL.,**

Defendants.

ORDER

THIS MATTER is before the Court on Defendants' motions in limine (Doc. Nos. 134, 136, 139, 141 and 143). The Court has carefully considered these motions, the parties' briefs and exhibits and oral argument on the motions from the parties' counsel during the pretrial hearing in this matter on March 22, 2021. For the reasons stated during that pretrial hearing, the Court will in part **GRANT**, in part **DENY** and in part **DEFER** ruling on the motions as follows:

Doc. Nos. 134, 141 and 143: The Court defers ruling on these motions, which raise issues related only to damages, until the damages portion of the trial (if an assessment of damages is necessary based on a jury finding of trademark infringement);

Doc. No. 139: The Parties have represented to the Court that they believe that the issues raised by this motion are no longer disputed so the motion is denied as moot. In the event that issues related to the Parties' agreement to resolve Plaintiff's motion for a preliminary injunction occur during trial, the Court will rule on those issues as they arise; and

Doc. No. 136: As stated during the pretrial hearing, the Court grants Defendants' motion to exclude Plaintiff's asserted "confusion" evidence as to any "log" of potential customer calls

prepared by Plaintiff's employees but denies the motion as to the approximately 15 oral recordings of calls to Plaintiff and an email that Plaintiff intends to introduce into evidence. As to those recordings and email, the Court finds that they are either non-hearsay or admissible under one or more of the proffered exceptions under Federal Rules of Evidence 803 or 807. It will be for the jury to determine the weight to be given this evidence in accordance with the instructions to be given by the Court.

SO ORDERED ADJUDGED AND DECREED.

Signed: March 22, 2021



Kenneth D. Bell
United States District Judge

